

# **CITY COUNCIL AGENDA**

**JANUARY 24, 2017**

## **SYNOPSIS**

CHAPPIE JONES  
SERGIO JIMENEZ  
RAUL PERALEZ  
LAN DIEP  
MAGDALENA CARRASCO

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS  
TAM NGUYEN  
SYLVIA ARENAS  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14<sup>th</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
**9:30 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent Councilmembers: All Present.**  
  
**1:32 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Councilmembers: All Present.**  
  
**7:00 p.m.** - Public Hearings, Council Chambers, City Hall  
**Absent Councilmembers: All Present.**
- **Invocation (District 1)**  
Rabbi Josh Berkenwald, Congregation Sinai, provided the Invocation.
- **Pledge of Allegiance**  
Mayor Liccardo led the Pledge of Allegiance.
- **Orders of the Day — *Heard after Ceremonial Items.***  
The Orders of the Day and the Amended Agenda were approved, including deferral of Item 3.4, with questions and public comment to be allowed; with addition of Item 2.14, modification of Item 3.5, Item 6.2 to be deferred to 2/14/17, and with Item 8.1 to be dropped and re-noticed as a Study Session.

- **Closed Session Report**  
**None provided**

## **1. CEREMONIAL ITEMS**

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- 1.1 Administer Oath of Office for Councilmember Diep. (City Clerk)**  
The Oath of Office was administered to Councilmember Diep by City Clerk Toni J. Taber.
- 1.2 Presentation of a commendation to Ve Nguon Vietnamese Language School for its unwavering efforts to supporting and improving the quality of life and education for Vietnamese American youth in the City of San José. (Nguyen)**  
Mayor Liccardo and Councilmember Tam Nguyen offered a commendation to Ve Nguon Vietnamese Language School for its unwavering efforts to supporting and improving the quality of life and education for Vietnamese American youth in the City of San José.  
*Heard in the evening.*
- 1.3 Presentation of a commendation to the Santa Clara Valley Science and Engineering Fair Association honoring participants of the 2016 Synopsys Championship Science Fair in San José. (Carrasco)**  
Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and former Councilmember Forrest Williams presented a commendation to the Santa Clara Valley Science and Engineering Fair Association honoring participants of the 2016 Synopsys Championship Science Fair in San José.  
*Heard in the evening.*
- 1.4 Presentation of a proclamation to survivor Tamara Noten in honor of International Holocaust Remembrance Day. (Jones/Jimenez)**  
Mayor Sam Liccardo and Councilmembers Chappie Jones and Sergio Jiminez honored survivor Tamara Noten in honor of International Holocaust Remembrance Day.
- 1.5 Presentation of a commendation for Robert Sandoval, outgoing President of the West Evergreen Neighborhood Association for his dedicated service to the community and his many accomplishments spanning more than 14 years of service to the City of San José. (Nguyen)**  
Mayor Sam Liccardo and Councilmember Tam Nguyen presented a commendation for Robert Sandoval, outgoing President of the West Evergreen Neighborhood Association for his dedicated service to the community and his many accomplishments spanning more than 14 years of service to the City of San José.  
*Heard in the evening.*

## **2. CONSENT CALENDAR**

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- 2.1 Approval of City Council Minutes.**  
**None provided.**

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 29858 – An ordinance of the City of San José rezoning certain real property of approximately 10.6 gross acres situated on the southwest corner of North Capitol Avenue and Gimelli Way (641 North Capitol Avenue) from the RM Multi-Family Residence Zoning District to the CP(PD) Planned Development Zoning District. CEQA: 641 North Capitol Avenue Mixed-Use Project Mitigated Negative Declaration. (Planning, Building and Code Enforcement)

**Ordinance No. 29858 adopted.**

- (b) ORD. NO. 29859 – An ordinance of the City of San José rezoning certain real property of approximately 0.90 gross acre situated on the northeasterly side of Portola Avenue and the Alameda (2188 The Alameda) from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District. CEQA: Exempt per CEQA Guidelines 15301(a), for Existing Facilities. (Planning, Building and Code Enforcement)

**Ordinance No. 29859 adopted.**

- (c) ORD. NO. 29860 – An ordinance of the City of San José rezoning certain real property of approximately 0.35 gross acre situated on the easterly side of North 2<sup>nd</sup> Street, approximately 130 feet south of East Julian Street (278 North 2<sup>nd</sup> Street) from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District. CEQA: Addendum to the Downtown Strategy 2000 Final Program EIR (Resolution No. 72767), the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

**Ordinance No. 29860 adopted.**

### 2.3 Approval of Council Committee Minutes.

**Recommendation:** Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of November 30, 2016. (Mayor)
- (b) Rules and Open Government Committee Minutes of December 7, 2016. (Mayor)
- (c) Rules and Open Government Committee Minutes of December 14, 2016. (Mayor)
- (d) Public Safety, Finance & Strategic Support Committee Minutes of December 15, 2016. (Perez)

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

**Approved.**

### 2.4 Mayor and Council Excused Absence Requests.

**None provided.**

## 2. CONSENT CALENDAR

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### 2.5 City Council Travel Reports.

Mayor Sam Liccardo offered highlights of his trip to Washington D.C. for the U.S. Conference of Mayors, discussions regarding the expansion of the AmeriCorps and with incoming Senator Kamala Harris regarding transportation funding.

### 2.6 Report from the Council Liaison to the Retirement Boards.

Councilmembers Dev Davis and Johnny Khamis reported out on the December meeting of the Federated Board.

### 2.7 Revisions to Conflict of Interest Code.

**Recommendation:** Adopt a resolution amending the Conflict of Interest Code for the City of San José. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy Change that involves no changes in the physical environment. (City Clerk)

**Resolution No. 78059 adopted.**

### 2.8 Actions Related to the Purchase Order with Ciari Plumbing & Heating Inc. and Burr Plumbing & Pumping Inc. for Plumbing Services.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Amend Purchase Orders 53054 and 52678 with Ciari Plumbing & Heating Inc. (San José, CA) and Burr Plumbing & Pumping Inc. (San José, CA), respectively, to increase the amount of total compensation for each purchase order by \$125,000, from \$270,000 to \$395,000, for the remainder of the current term, ending on June 30, 2017;
- (b) Amend the Purchase Orders to increase the compensation if there is a need for additional plumbing services, subject to the appropriation of funds; and
- (c) Execute the remaining three annual options to renew the purchase orders through June 2020, subject to the same terms and conditions, and the annual appropriation of funds. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts, Purchase Order. (Finance)

**Resolution No. 76060 adopted.**

### 2.9 Purchase and Sale Agreement for City's Purchase of Land from the Santa Clara Valley Water District.

**Recommendation:** Adopt a resolution authorizing the City Manager to execute a Purchase and Sale Agreement for the City's purchase of 530 square feet of land from the Santa Clara Valley Water District (SCVWD) in the amount of \$2,300 to support the installation of a new sidewalk and the relocation of a traffic signal with SCVWD retaining easement rights to maintain the water channel under the roadway. CEQA: Exempt, File No. PP16-021, CEQA Guidelines Section 15061(b)(3), No potential for causing a significant effect on the environment and Section 15301(c), Existing Facilities. Council District 3. (Economic Development)

**Resolution No. 78061 adopted.**

## 2. CONSENT CALENDAR

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### 2.10 Summary Vacation of a Portion of a Public Utility Easement Located at 1520 Santa Maria Avenue.

**Recommendation:** Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a 1,061 square foot portion of a public utility easement (“PUE”) at 1520 Santa Maria Avenue;
- (b) Summarily vacating a portion of the PUE which is excess and no longer necessary for public purposes; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Exempt, File No. PP16-108, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 6. (Public Works)

**Resolution No. 78062 adopted.**

### 2.11 Actions Related to the 7534 - Silver Leaf Park Renovation Project.

**Recommendation:**

- (a) Report on bids and award of contract for the 7534 - Silver Leaf Park Renovation Project to the lowest responsive bidder, Integra Construction Services, Inc., for the base bid and Bid Alternate No. 1 in the amount of \$761,544 and approval of a five percent contingency in the amount of \$38,078.
- (b) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 2:
  - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Silver Leaf Park Renovation Project by \$138,000; and
  - (2) Decrease the Ending Fund Balance by \$138,000.

CEQA: Exempt, File No. PP16-081, CEQA Guidelines Section 15302 Replacement or Reconstruction and Section 15301, Existing Facilities. Council District 2. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

**Ordinance No. 29861 adopted.**

### 2.12 East Side Leadership Luncheon.

**Recommendation:** As recommended by the Rules and Open Government Committee on January 11, 2017:

- (a) Retroactively approve the East Side Leadership Luncheon scheduled on January 13, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Carrasco)  
[Rules Committee referral 1/11/17 – Item G.1.a.]

**Approved.**

## 2. CONSENT CALENDAR

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### 2.13 Community Pancake Breakfast.

**Recommendation:** As recommended by the Rules and Open Government Committee on January 11, 2017:

- (a) Approve District 5 Community Pancake Breakfast scheduled on January 28, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Carrasco)  
[Rules Committee referral 1/11/17 – Item G.1.b.]

**Approved.**

### 2.14 Friend of the Court Brief with the United States Supreme Court in *Jennings v. Rodriguez*.

**Recommendation:** Direct the City Attorney to join the County of Santa Clara in filing a Friend of the Court brief with the United States Supreme Court in *Jennings v. Rodriguez* to support a challenge to the constitutionality of certain provisions of the immigration laws that permit prolonged detention of various categories of non-citizens without bond hearings. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (City Attorney)

**Approved.**

### 2.15 Councilmember Arenas' Inauguration.

**Recommendation:** As referred to City Council, without recommendation, by the two councilmembers present at the Rules and Open Government Committee on January 18, 2017:

- (a) Approve Councilmember Sylvia Arenas' Inauguration scheduled on January 28, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Arenas)  
[Rules Committee referral without recommendation 1/18/17 – Item G.1.a.]

**Approved.**



## 2. CONSENT CALENDAR

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### 2.16 SB 1 (BEALL), AB 1 (FRAZIER) Transportation Infrastructure and Economic Investment Act.

**Recommendation:** As referred to City Council, without recommendation, by the two councilmembers present at the Rules and Open Government Committee on January 18, 2017, pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position on SB 1 and AB 1 so that the City's legislative representatives can continue to advocate the City's position in Sacramento. CEQA: Not a Project, File No. PP10-069(d), City Administrative Activities, Legislative Position. (Transportation)

[Rules Committee referral without recommendation 1/18/17 – Item G.2.]

**Position Reaffirmed.**

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). City Manager Norberto Dueñas offered accolades to City staff for managing the historic turnout of 25,000 participants in the Women's March held over the weekend and the invaluable use of the City Plaza as a civic forum.

### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.

**None provided.**

### 3.3 Audit of Mobile Devices. *DEFERRED*

**Recommendation:** Consider the audit on Mobile Devices. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of any City Actions. (City Auditor)

[Public Safety, Finance, and Strategic Support Committee referral 12/15/17 – Item (d)(2)]  
**Deferred to 2/7/17 per Administration.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Actions Related to the Request for Proposal for the Innovative LED Streetlight Replacement.

**Recommendation:**

- (a) Accept the report and analysis regarding the Innovative LED Streetlight Replacement Request for Proposals.
- (b) With respect to the proposals received for installation of streetlights and smart controller units, direct the City Manager either to:
  - (1) Negotiate a contract with the top-scoring proposer Siemens for conversion of approximately 39,285 streetlights to LED luminaires with smart controllers, including a pilot installation of at least 1,000 controller units from proposal partner anyCOMM, other necessary testing and appropriate guarantees, and return to Council for final contract execution.

OR

- (2) Reject all bids and issue new separate procurements for the following items:
    - (i) Conversion of approximately 39,285 streetlights to LED luminaires;
    - (ii) Installation and commissioning of approximately 64,400 smart controller units, including an evaluation of emerging smart city technologies and capabilities; and
    - (iii) Management and marketing of City infrastructure for telecommunications purposes.
- (c) With respect to the in-lieu proposal received from Allvision/Outfront Media and the outdoor kiosks and banners proposed by Black & Veatch, direct the City Manager to continue the work currently in-process regarding electronic billboards, the General Plan, and the City Sign Code. If the Council chooses to amend the General Plan, Code and Council Policy regarding electronic billboards in the future, the City Manager is directed to come forward with recommendations on issuing an RFP for such signage and interactive media on City property.

CEQA: Exempt, File No. PP11-002, Street Lighting Design Guidelines, CEQA Guidelines Section 15301, Existing Facilities. (City Manager)

**Action deferred per Orders of the Day. Acceptance of memoranda from Mayor Sam Liccardo, dated January 24, 2017 and Councilmember Donald Rocha, dated January 23, 2017, requesting deferral of consideration of responses to the LED streetlight RFP and with direction to staff to return with answers to questions as presented.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 2016-2017 Council Appointment(s).

**Recommendation:**

- (a) Approve the appointment of Councilmember Magdalena Carrasco as Vice Mayor.
- (b) Apprise the Council of the Mayor's modifications to standing committees:
  - (1) Appoint Councilmember Dev Davis to the Rules and Open Government Committee.
  - (2) Appoint Councilmember Chappie Jones as Chair of the Smart Cities and Service Improvements Committee.
- (c) Appoint Councilmember Dev Davis as "Alternate" to the Santa Clara County Valley Transportation Authority.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)  
*Item heard first, before Consent Calendar.*

**Council appointments were approved, with changes as allowed per Orders of the Day.**

#### 3.6 Amendment to the Council Meeting Rules of Conduct Resolution to Modify the Schedule and Time of Council Meetings.

**Recommendation:** As recommended by the Rules and Open Government Committee on January 11, 2017, adopt a resolution amending the Council's Rules for the Conduct of Its Meetings, superseding Resolution No. 77919, to modify the schedule and time of Council meetings, including but not limited to, scheduling evening sessions to commence at 6:00 p.m., with the proviso that there will be a thirty (30) minute recess between the afternoon and evening session that may result in delaying the commencement of the evening session to a time later than 6:00 p.m. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Clerk)

[Rules Committee referral 1/11/17 – Item D.2.]

**Resolution No. 78063 adopted.**

#### 3.7 District 2 Participatory Budgeting Actions.

**Recommendation:** As recommended by the Rules and Open Government Committee on January 11, 2017:

- (a) Direct the City Manager to work with the Round 1 winners of the District 2 Participatory Budgeting Project on implementation.
- (b) Direct the City Manager to transfer \$75,000 from the Council District #02 appropriation to City Council District #02 Participatory Budgeting – Calpine Settlement appropriation as part of the 2016-2017 Mid-Year Budget Review.

CEQA: Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (Jimenez)

[Rules Committee referral 1/11/17 – Item G.3.]

**Accepted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.8 Resolution Reaffirming Prior Recognition of the Vietnamese Heritage and Freedom Flag as the Official Flag of the Vietnamese-American Community in San José and Opposing the Display of Flag of the Socialist Republic of Vietnam on City-Owned Flag Poles.

**Recommendation:** As recommended by the Rules and Open Government Committee on January 11, 2017, adopt a resolution reaffirming prior recognition of the Vietnamese Heritage and Freedom Flag as the official flag of the Vietnamese-American community in San José and opposing the display of Flag of the Socialist Republic of Vietnam on city-owned flag poles. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Attorney) [Rules Committee referral 1/11/17 – Item G.4.]

*Heard in the evening after Consent.*

**Resolution No. 78064 adopted.**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Initiate Proceedings for Annexation of Story No. 66.

**Recommendation:** Adopt a resolution initiating proceedings and setting February 28, 2017, at ~~7:00~~ 6:00 p.m. for City Council consideration of the reorganization of territory designated as Story No. 66, which involves the annexation to the City of San José of approximately 0.78-gross acre of land located on the north side of Story Road, approximately 100 feet west of Roehampton Avenue, and the detachment of the same from the appropriate special districts, including the Central Fire Protection District, County Sanitation District 2-3, Santa Clara County Lighting Service Area, and Santa Clara County Library Services (Area No. 1). CEQA: Determination of consistency with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Council District 5. (Planning, Building and Code Enforcement) **Resolution No. 78065 adopted, with correction to time of proceedings to 6:00 p.m.**

#### 4.2 Report on Bids and Award of Contract for the 7756 – Chynoweth Avenue Green Street Project.

**Recommendation:** Report on bids and award of contract for the 7756 – Chynoweth Avenue Green Street Project to the low bidder, Granite Rock Company, for the base bid and Add Alternate No. 1 in the total amount of \$1,804,373, and approve a contingency in the amount of \$180,437. CEQA: Exempt, File No. PP14-041, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. Council District 10.

(Public Works)

**Accepted**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.3 Report on Bids and Award of Construction Contract for the 8062 – Convention Center Exhibit Hall Lighting and Ceiling Upgrades Project.**

**Recommendation:**

- (a) Report on bids and take appropriate action based on the evaluation of bids for the 8062 –Convention Center Exhibit Hall Lighting and Ceiling Upgrades Project, and approval of a 13 percent contingency if City Council awards a construction contract.
- (b) Adopt a resolution authorizing the Director of Public Works to issue any change orders up to the amount of the contingency if the City Council awards a construction contract.

CEQA: Exempt, File No. PP16-053, CEQA Guidelines Section 15301(a), Existing Facilities. Council District 3. (Public Works)

**Deferred to 1/31/17 per Administration.**

## **5. NEIGHBORHOOD SERVICES**

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### **5.1 Anti-Graffiti and Anti-Litter Programs Annual Report. *DEFERRED***

**Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on December 15, 2016, accept the 2015-2016 Annual Report on the Anti-Graffiti and Anti-Litter Programs. CEQA: Not a Project, File No. PP10-069(a), Annual Reports that involve no approval of any City Actions. (Parks, Recreation and Neighborhood Services)

[Public Safety, Finance, and Strategic Support Committee referral 12/15/17 – Item (d)(3)]

**Deferred to 2/14/17 per Administration.**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Actions Related to the Airport Staffing Plan.

#### Recommendation:

- (a) Approve the addition of the ongoing positions in the Airport Department:

Job Classification	FTE
Analyst II	1.0
Maintenance Worker II	3.0
Senior Maintenance Worker	1.0
Maintenance Superintendent	1.0
Senior Airport Operations Specialist I/II/III	6.0
Airport Operations Supervisor I/II/III	1.0
Aviation Security & Permit Specialist	1.0
Associate Engineer	1.0
Senior Property Manager I/II	1.0
Public Information Representative I/II	1.0
<b>Total Airport Department Positions</b>	<b>17.0</b>

#### Approved.

- (b) Adopt a resolution to authorize the City Manager to negotiate and execute the First Amendment to the Agreement with GCA Services Group, Inc. for janitorial services at the Norman Y. Mineta San José International Airport (SJC) to:
- (1) Increase compensation by \$628,000 from \$2,980,003 to \$3,608,003 through October 31, 2017;
  - (2) Align all labor rates, benefits and contractual provisions for janitorial services at the Airport with other City facilities, subject to appropriation of funds; and
  - (3) Exercise options to extend the term through October 31, 2019 based on the City Living Wage Policy (Resolution No. 76653) and fluctuations in consumables usage, subject to the appropriation of funds.

#### Resolution No. 78066 adopted.

- (c) Adopt the following 2016-2017 Appropriation Ordinance amendments in the Airport Maintenance and Operation Fund:
- (1) Increase the Airport Department Personal Services appropriation in the amount of \$390,000;
  - (2) Increase the Transfer to the General Fund for Police Services in the amount of \$361,000;
  - (3) Increase the Overhead appropriation in the amount of \$72,600; and
  - (4) Decrease the Operations Contingency appropriation in the amount of \$823,600.

#### Ordinance No. 29862 adopted.

*(Item Continued on the Next Page)*

## **6. TRANSPORTATION & AVIATION SERVICES**

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### **6.1 Actions Related to the Airport Staffing Plan (Cont'd.)**

#### **Recommendation:**

(d) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (1) Increase the Police Department Personal Services appropriation in the amount of \$361,000; and
- (2) Increase the Transfers and Reimbursements Revenue estimate by \$361,000 to recognize the transfer from the Airport Maintenance and Operation Fund.

CEQA: Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (Airport/City Manager)

**Ordinance No. 29863 adopted.**

**Resolution No. 78067 adopted.**

### **6.2 Amendments to the Airport Retail Concession Agreements with AMS-SJC JV and WDFG North America LLC.**

#### **Recommendation:**

- (a) Approve the Sixth Amendment to the Airport Retail Concession Agreement with AMS-SJC-JV dba The Hudson Group (Hudson) (the “Hudson Agreement”) to add the Airport retail concession areas currently operated by WDFG North America LLC (WDFG) and expiring in 2020 on the same terms and conditions as provided in the Airport Retail Concession Agreement with WDFG (“WDFG Agreement”), provide Hudson with storage space to support its concession operations and extend the term of the Hudson Agreement from June 30, 2020, to June 30, 2026.
- (b) Approve the Fifth Amendment to the WDFG Agreement to terminate the WDFG Agreement upon incorporation of the Airport retail concession areas currently operated by WDFG into the Hudson Agreement on the same terms and conditions as the WDFG Agreement.
- (c) Adopt a resolution authorizing the Director of Aviation to negotiate and execute amendments to the Hudson Agreement at any time prior to its expiration to rebalance the two retail concession packages by revising those concession areas that will expire on either June 30, 2024, or June 30, 2026 and to revise the Minimum Annual Guaranteed Concession Fee to reflect any such revisions, to maximize revenue and customer service and to provide for an equitable bidding opportunity for the future retail solicitations.

CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. (Airport)

**Dropped and renoticed per Orders of the Day.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Illegal Dumping Initiative Update. *DEFERRED*

**Recommendation:** As recommended by the Transportation and Environment Committee on December 5, 2016, accept a status report on the City's illegal dumping mitigation efforts. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Status Report. (Environmental Services)  
[Transportation and Environment Committee referral 12/5/16 – Item (d)(4)]  
**Deferred to 2/14/17 per Administration.**

### 7.2 Agreement with Kennedy/Jenks Consultants, Inc. for Engineering and Architectural Services for the 7944 - Support Building Improvements Project at the San José-Santa Clara Regional Wastewater Facility.

**Recommendation:** Approve a Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. to provide engineering and architectural services for the 7944-Support Building Improvements Project at the San José-Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2024, in an initial total amount not to exceed \$4,800,000, subject to the appropriation of funds. CEQA: Exempt, File No. PP10-066(d), Section 15262, Feasibility and Planning Studies with respect to the scope of work that is limited to this action. Any future activities resulting in a change to the physical environment would require approval of CEQA review. (Environmental Services)  
**Approved.**

## 8. PUBLIC SAFETY SERVICES

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### 8.1 Review and Discuss Independent Police Auditor's 2014 Annual Report Recommendation #2(b).

**Recommendation:** Review and discuss the Independent Police Auditor's 2014 Annual Report Recommendation #2(b) that would require independent civilian oversight of all Police Department-Initiated Investigations. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Annual Reports. (Independent Police Auditor/Police)  
(Deferred from 10/25/16 – Item 8.1, 11/15/16 – Item 8.1, 12/6/16 – Item 8.1)  
**Dropped and Re-Noticed as a Study Session per Orders of the Day.**

### 8.2 Actions Related to Automated License Plate Readers.

**Recommendation:** Accept the staff report regarding Automated License Plate Readers and invite public comment in concurrence with California Civil Code Section 1798.90.55. CEQA: Not a Project, File No. PP10-069(a), City Administrative Activities, Staff Reports that involve no approvals of City actions. (Police)  
(Deferred from 1/10/17 – Item 8.2)  
**Accepted.**



## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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- **Open Forum**
  1. **Dave Cabaczech, Libertarian Party of Santa Clara County, referenced Item 3.8 on the evening agenda, and offered opposition to the resolution reaffirming recognition of the Vietnamese Heritage and Freedom Flag as the official flag of the Vietnamese-American community in San José.**
  2. **Blair Beekman discussed surveillance camera systems and suggested use in minimalist form.**
- **Adjournment**

Mayor Sam Liccardo adjourned the Afternoon Council Session at 4:17 p.m.

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearing

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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### 11.1 Public Hearings on Consent Calendar.

- (a) **Conforming Rezoning for the Real Property Located at 1737 North 1<sup>st</sup> Street.**

**Recommendation:** Consideration of an ordinance of the City of San José rezoning certain real property on an approximately 3.6-gross acre site, located at 1737 North 1<sup>st</sup> Street from the CO(PD) Planned Development and IP Industrial Park Zoning Districts to the CP Commercial Pedestrian Zoning District (Pacific Resources First American, LLC, Owner). CEQA: Determination of Consistency with Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR for the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning, Building and Code Enforcement Director recommended approval. (Planning, Building and Code Enforcement)

**C16-039** – Council District 3

[Deferred from 1/10/17 – Item 11.1(a)]

**Ordinance No. 29864 passed for publication.**

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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### 11.1 Public Hearings on Consent Calendar (Cont'd.)

#### (b) Conforming Rezoning for the Real Property Located at 320 Race Street.

**Recommendation:** Consideration of an ordinance of the City of San José rezoning certain real property on an approximately 2.0-gross acre site, located at 320 Race Street from the LI Light Industrial Zoning District to the CIC Combined/Industrial Commercial Zoning District (Stanley A. Cotton, Trustee, Owner). CEQA: Determination of Consistency with Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR for the Envision San José 2040 General Plan (Resolution No. 77617). Planning, Building and Code Enforcement Director recommended approval. (Planning, Building and Code Enforcement)

**C16-048** – Council District 6

[Deferred from 1/10/17 – Item 11.1(b)]

**Ordinance No. 29864 passed for publication.**

#### (c) Planned Development Rezoning of Real Property Located on the Southeast Corner of Almaden Expressway and Chynoweth Avenue at the Almaden Ranch Shopping Center.

**Recommendation:**

- (1) Adopt a resolution adopting the Addendum to the Almaden Ranch Retail Center Subsequent Environmental Impact Report, all in accordance with the California Environmental Quality Act, as amended.

**Resolution No. 78068 adopted.**

- (2) Consideration of an ordinance of the City of San José rezoning certain real property on a 43.5-gross acre site, located on the southeast corner of Almaden Expressway and Chynoweth Avenue at the Almaden Ranch Shopping Center to allow changes to the previously approved development standards under Planned Development Zoning File No. PDC14-001, to allow building height increase from 50 feet to 60 feet for future hotel, add a requirement that parking for hotel use shall be provided in accordance the Zoning Ordinance, and add that parking for uses described in Municipal Code Section 20.90.220(G) can be reduced by up to 20% (Almaden Ranch, LLC, owner).

CEQA: Addendum to the Almaden Ranch Retail Center Subsequent EIR (Resolution No. 76168). Planning, Building and Code Enforcement Director recommended approval. (Planning, Building and Code Enforcement)

**PDC16-049** – Council District 9

[Deferred from 1/10/17 – Item 11.4]

**Ordinance No. 29866 passed for publication.**

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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### 11.1 Public Hearings on Consent Calendar. (Cont'd.)

#### (d) Conforming Pre-zoning for the Real Property Located at 3301 McKee Road.

**Recommendation:** Consideration of an ordinance of the City of San José pre-zoning a 0.49-gross acre site, located on the north side of McKee Road, approximately 400 feet east of N. White Road (3301 McKee Road) from unincorporated County (R1-10 One Family Residence), to the CP Commercial Pedestrian Zoning District (Lien Hoa Tu, Owner). CEQA: Determination of consistency with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)

**C14-053** – Council District 5

**Ordinance No. 29867 passed for publication.**

#### (e) Conforming Rezoning for the Real Property Located at 3601 Williams Road.

**Recommendation:** Consideration of an ordinance of the City of San José rezoning a 15.95-gross acre site, located on the northwest corner of San Tomas Expressway and Williams Road (3601 Williams Road) from the A Agricultural Zoning District and the R-1-8 Single Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District. CEQA: Exempt, CEQA Guidelines Section 15303(c), New Construction or Conversion of Small Structures. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)

**C16-046** – Council District 1

**Ordinance No. 29868 passed for publication.**

### END OF CONSENT CALENDAR

- Open Forum

None provided.

- Adjournment

The Council of the City of San José adjourned at 9:36 p.m. in memory of Susan Davis, a beloved employee of the City of San José's City Clerk's Office for 14 years and a fixture at Committee and Council meetings. Susan is survived by her husband, Phil, her children, Heather and Phillip, and her five grandchildren.